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April 12, 2017

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, N.W.
Washington, D.C. 20554

Re: Wireline Infrastructure, WC Docket No. 17-84

Dear Ms. Dortch

On April 11, 2017, Steve Morris of NCTA – The Internet & Television Association and Christi Barnhart of Charter Communications, Inc. met with Jay Schwarz, Acting Wireline Advisor to Chairman Pai, and Claude Aiken, Legal Advisor to Commissioner Clyburn, to discuss the above-referenced proceeding.

Charter and NCTA discussed the impact of right-of-way fees imposed by local governments, above and beyond the cable franchise fee permitted under Section 622, on cable operators for the provision of broadband services. We explained that such fees raise the cost of broadband service and are at odds with Commission policy established in the *Open Internet Order*.¹ We encouraged the Commission to seek comment on the lawfulness of such fees in the Notice of Proposed Rulemaking portion of the item to be considered at the April agenda meeting.

Charter and NCTA also encouraged the Commission to ensure that the Notice of Proposed Rulemaking does not inadvertently create confusion regarding the application of the Commission's pole attachment rate regulations. In particular, we explained that the Commission has spent many years working to harmonize the rates produced by the cable rate formula and the telecommunications rate formula and that raising the possibility of creating a third formula for "commingled" services could introduce uncertainty in the current regime.

¹ *Protecting and Promoting the Open Internet*, GN Docket No. 14-28, Report and Order on Remand, Declaratory Ruling, and Order, 30 FCC Rcd 5601, 5804, ¶ 433 n. 1285 (2015) (Reclassification of broadband Internet access service (BIAS) should not serve as justification to require a franchised cable operator to "obtain an additional or modified franchise in connection with the provision of [BIAS], or to pay any new franchising fees in connection with provision of such services.").

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Respectfully submitted,

/s/ Steven F. Morris

Steven F. Morris

cc: J. Schwarz
C. Aiken